

UNITED STATES DISCTRRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

2008 FEB 19 WMC
'08 MJ 0454
KNT DEPUTY

UNITED STATES OF AMERICA,)	Magistrate Case No.
Plaintiff,)	<u> </u>
v.)	<u>COMPLAINT FOR VIOLATION OF</u>
Rafael PEREZ-Salas)	Title 8, U.S.C., Section 1324(a)(2)(B)(ii)-
Defendant.)	Bringing in Illegal Alien(s) for
)	Financial Gain
)	Title 18, U.S.C., Section 2-
)	Aiding and Abetting

The undersigned complainant being duly sworn states:

Count 1

On or about February 16, 2008, within the Southern District of California, Defendant **Rafael PEREZ-Salas**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that an alien, namely, **Hilda AGUILAR-Ramirez**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said alien for the purpose of commercial advantage and private financial gain; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(ii), and Title 18, United States Code, Section 2.



SIGNATURE OF COMPLAINANT

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 19th DAY OF February 2008.



MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

I, Special Agent Michael Bettencourt declare under penalty of perjury, the following is true and correct:

The complainant states that **Hilda AGUILAR-Ramirez** is a citizen of a country other than the United States; that said alien has admitted she is removable; that her testimony is material; that it is impracticable to secure her attendance at trial by subpoena; and that she is a material witness in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On February 16, 2008, at approximately 12:10 a.m., a Customs and Border Protection (CBP) Primary Officer referred a vehicle and its occupants to secondary inspection based upon a computer-generated referral. The driver was later identified as **Rafael PEREZ-Salas** (herein referred to as **Defendant**) and the passenger was later identified as **Hilda AGUILAR-Ramirez** (herein referred to as **Material Witness**). During secondary inspection, **Defendant** presented a valid United States Certificate of Naturalization, bearing the name Ricardo ABITIA (A90 053 853) that was not lawfully issued to him. Furthermore, the Certificate of Naturalization was affixed with a photo of his own. **Material Witness** presented a valid I-551 Permanent Resident Card bearing the name Maria E ORTEGA De Escoto (A77 134 237) not lawfully issued to her. Both **Defendant** and **Material Witness** were arrested for being imposters to the documents presented.

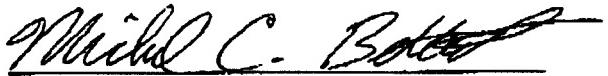
During a videotaped interview, **Defendant** stated he is a citizen of Mexico, by virtue of birth in Tijuana, Baja California, Mexico. **Defendant** further stated he has no legal rights or entitlements to enter, pass through or remain in the United States. **Defendant** admitted that he was fully aware that it was against the law to attempt to enter the United States without the proper documentation. **Defendant** acknowledged that he was also aware that **Material Witness** did not possess the proper documentation to enter, pass through or remain in the United States.

Defendant admitted to driving the vehicle, with **Material Witness** as a passenger, for a man he identified as "Pepe". **Defendant** stated that he intended to travel to San Diego, CA to be with his family, namely his wife. **Defendant** declared that "Pepe" provided him with both the vehicle and the Naturalization Certificate. **Defendant** recounted that he had provided "Pepe" with photographs of himself in order to obtain a document that would facilitate his entry into the United States. **Defendant** stated that for being the operator of the vehicle, and for having **Material Witness** as a passenger, he was to receive a discounted smuggling fee from "Pepe". This smuggling fee was to be reduced from \$3,000.00 to \$2,000.00 United States Dollars if he was to succeed in crossing the vehicle and **Material Witness** into the United States.

Defendant proclaimed that he was directed to drive the vehicle to a location north of international border. **Defendant** stated he was not provided with any further instruction from the smuggler "Pepe".

During a videotaped proceeding, Material Witness stated that her husband made arrangements with the smuggler and she was unaware of how much she was going to pay to be smuggled into the United States. Material Witness stated that she is a Mexican citizen by virtue of birth in El Grande, Puebla, Mexico with no legal rights to enter, pass through, or remain in the United States. Material Witness stated she was going to Los Angeles, CA to seek employment.

EXECUTED ON THIS 16th DAY OF February 2008 AT 10:00 am.



Michael Bettencourt / ICE Special Agent

On the basis of the facts presented in the Probable Cause Statement consisting of (2) page(s), I find probable cause to believe that the defendant named therein committed the offense on February 16, 2008 in violation of Title 8, United States Code, Section 1324.



MAGISTRATE JUDGE

DATE / TIME